

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: PRADAXA (DABIGATRAN
ETEXILATE) PRODUCTS LIABILITY
LITIGATION**

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) **3:12-md-02385-DRH-SCW**
)
) **MDL No. 2385**
)
)

This Document Relates to:

ALL CASES

MINUTES OF STATUS CONFERENCE

PRESIDING: Chief Judge David R. Herndon

DATE: February 7, 2013

PLACE: East St. Louis, Illinois

COURT REPORTER: Barb Kniepmann

COURTROOM DEPUTY: Sara Jennings

**APPEARING FOR PLAINTIFFS: Mark R. Niemeyer, Michael A. London,
Mikal C. Watts, Roger C. Denton, Seth A.
Katz, Steven D. Davis, Tor A. Hoerman**

**APPEARING FOR DEFENDANTS: Dan H. Ball, Eric E. Hudson, Orlando
Rodriquez Richmond, Sr., Beth S. Rose**

TIME: 9:05 AM – 9:35 AM

Court met with lead and liaison counsel prior to the hearing today.

Mr. Katz reported on BIPI custodial file productions. Plaintiffs contend that BIPI has failed to comply with certain production deadlines provided for in CMO No. 17. As a result, plaintiffs are concerned that BIPI will not produce the custodial files requested on December 28, 2012 and January 21, 2013 in a timely manner and are therefore concerned about BIPI's proposed production dates for these custodial files. Plaintiffs also raised concerns regarding piecemeal production. Plaintiffs marked Exhibits: 1) 9 page spreadsheet of custodial files produced after deadline, 2) 36 page spreadsheet of produced custodial files, and 3) 2 page media production. Mr. Hudson reported that BIPI is working

diligently to meet this Court's deadlines and BIPI has a large amount of staff working to review the documents. Defendants report that they have communicated with the plaintiffs regarding any delays.

The Court does not take lightly the delays in discovery production but does find that the Defendant has been working diligently and the proposal made by the Defendant will be adopted, with the addendum that has been suggested by the Plaintiff. The Court will docket an order addressing this production.

Mr. Watts reported on the status of BII 30(b)(6) deposition matters and read the parties agreement regarding the same into the record.

Mr. Watts reported on location of defense witness depositions. Mr. Watts will take the deposition of Paula Palmer in Danberry. Mr. Watts and Mr. Richmond are working to agree on a location for future depositions.

Mr. Watts and Mr. Richmond reported on G Drive productions. Portions of the G Drive have been produced in accord with CMO No. 17. The parties asked the Court to approve an amendment to CMO No. 17, extending the deadline for production of G Drive materials. The parties propose that G drive materials will be produced February 8, 2013 and February 15, 2013. The Court approved the amendment to CMO No. 17.

Mr. Richmond raised the issue with Plaintiff of patent and trade secrets. Certain G Drive material may warrant heightened protection and Mr. Richmond proposes that Minute Order No. 86 be amended to designate certain G Drive data (in addition to certain BRAIN and Cerberus data) as being for attorneys' eyes only. Mr. Richmond also requests that the heightened protection for BRAIN, Cerberus, and G-Drive data be extended until the end of the month. Mr. Katz requests that defendants identify the G-drive subject matter that allegedly warrants heightened protection.

Mr. Katz reports that TEMPO database material has been designated as confidential on a document by document basis and, as a result, the TEMPO database no longer needs a blanket confidentiality designation.

The Court will docket a case management order addressing the G Drive and TEMPO database issues, as well as addressing the extension on the "attorneys eyes only" designation for certain G Drive, BRAIN, and Cerberus material.

Mr. Watts reported that with regard to CMO 15, there are 69 PFSs that were only sent to defense counsel. Mr. Watts reminds plaintiffs that pursuant to CMO 15 PFSs must also be sent to plaintiffs' lead counsel via email at PRADAXA.MDL.PFS@wgclawfirm.com or a hard copy sent to: David Watts, at Watts Guerra Craft LLP, 5250 Prue Road, Suite 525, San Antonio, Texas 78240.

Next status conference set for **March 14, 2013 at 12:30 PM** to be held via **teleconference only**.

All exhibits returned to counsel.